

Joseph L. Hoynoski III

Shareholder

JLHoynoski@mdwgcg.com

King of Prussia – 610.354.8486



Joseph is a shareholder in the Health Care Department. He focuses the majority of his practice on the defense of various medical/psychiatric providers and facilities in medical malpractice, dental malpractice, complex health care liability matters and premises liability. Joseph has also served as a member of the firm's Executive Committee Advisory Council, a distinguished group of firm leaders whose purpose is to enhance the communication between the Executive Committee and younger members of the firm's professional ranks, including associates, special counsel and junior shareholders.

Joseph has a rather unique background, which serves him well in handling matters in the health care liability field. From 2004 until 2007, he was involved in representing plaintiffs in hundreds of actions brought against pharmaceutical companies covering a wide array of drugs. Mass torts included Vioxx, Bextra, Celebrex, Viagra, Adderall and ReNu with MoistureLoc.

Since 2008, Joseph has been extensively involved in defending various medical providers in medical malpractice cases. He has obtained dismissals for several physicians and hospitals. He has also represented hospitals and physician groups in health care liability matters and through use of surveillance experts, was able to have cases dismissed against hospitals and physicians. He also successfully handled an Immigration Customs Enforcement Audit for a major Philadelphia corporation.

Joseph also has experience in trademark/copyright litigation and licensing. He has represented national corporations in the areas of retail, specialty food products, hair care products and toys in trademark and copyright litigation matters.

In 2001, Joseph graduated from Temple University *cum laude*, majoring in corporate law. At Temple, he was involved in the marching band, basketball pep band, orchestra, Student Judicial Board, Business Honors Program and the law fraternity Phi Alpha Delta, where he competed in several mock trial competitions.

Practices

- Medical Malpractice
- Product Liability
- Intellectual Property, Technology & Media Litigation

Joseph graduated from Widener University School of Law, *magna cum laude*, in 2004. He was involved in Law Review and received the Senior Staff Award. He was also the treasurer of the Trial Advocacy Honor Society and competed in several mock trial competitions. Joseph received the Widener University School of Law Outstanding Service Award upon graduation, as well as the American Bankruptcy Institute Medal of Excellence.

Education

- Widener University Delaware Law School (J.D., *magna cum laude*, 2004)
- Temple University (B.B.A., *cum laude*, 2001)

Admissions

- Pennsylvania, 2004
- U.S. District Court Eastern District of Pennsylvania, 2005
- U.S. Court of Appeals 3rd Circuit, 2009

Honors & Awards

- The Best Lawyers in America©, Medical Malpractice Law - Defendants (2026-2027)
- Pennsylvania Super Lawyers Rising Star (2012-2019)

Associations & Memberships

- Montgomery County Bar Association
- Pennsylvania Bar Association

Published Works

- "Dealing with Unidentified/Identified Agents Not Named as Defendants in a Complaint." *Defense Digest*, Vol. 21, No. 1, March 2015
- "The Certificate of Merit Status Quo Has to Go," *The Legal Intelligencer*, Health Care Supplement (page 7), February 17, 2015
- "Statutory Damages: To Copy Or Not To Copy, That Is The Burning Question," *Commercial Damages Reporter*, Vol 25, Issue 2, April 2010
- *Civil Litigation Update*, contributing author for the annual update published by the Pennsylvania Bar Institute, 2009 and 2010

Classes/Seminars Taught

- *Peer Review: Status 2022*, Marshall Dennehey Trends in Health Care and Health Law Seminar, May 5, 2022

Significant Representative Matters

- Secured a Directed Verdict on behalf of an orthopedic surgeon who was alleged to have breached the standard of care as it relates to his performance of a reverse right shoulder replacement. After an 8-day trial, the court found that the plaintiff failed to establish that the surgery performed by the orthopedic surgeon was unnecessary, as alleged in the Amended Complaint.
- Obtained a defense verdict in Philadelphia County on behalf of an emergency room

physician, hospital physician group and hospital for an alleged failure to appropriately treat elevated blood sugar and groin abscess leading to necrotizing fasciitis. The evidence presented to the jury supported the argument that the emergency room physician appropriately treated the abscess as presented and gave appropriate instructions for the plaintiff to return to the hospital if symptoms changed or worsened. Plaintiff did not require admission for treatment of elevated blood sugar as she was a long time diabetic and the glucose level was not abnormal for her. When she finally returned to the hospital after seven days, she had developed the necrotizing fasciitis. The trial lasted four days and the jury returned the verdict in 16 minutes.

- *Noasha LLC v. Nordic Group of Cos., Ltd., et al*, 08-cv-05635, E.D.P.A.
- *Doctor's Associates, Inc. v. Sheetz Inc., et al.*, 09-cv-88, E.D. Va
- *Humana Inc. v. Aetna Ins.*, Opposition No. 91192704 (October 13, 2010) [not precedential]. Joseph represented Aetna, Inc. and successfully assisted with defeating Humana Inc.'s opposition to Aetna's use of AETNA ONE for the name of an insurance program in front of the Trademark Trial and Appeals Board.

Results

Defense Verdict Received Medical Malpractice Arbitration Matter

We received a defense verdict at the Montgomery County Arbitration Center where the three-attorney panel found in favor of our clients, a pediatric primary care office and a pediatric nurse. We represented the pediatric practice and the nurse against claims from the plaintiff who claimed her median nerve was injured by a venipuncture procedure performed by the nurse. The case was originally filed in the Court of Common Pleas; however, after discovery revealed a weak damages claim—we found many TikTok videos helpful to our defense—it was dropped to the arbitration level.

Directed Verdict Secured in Medical Malpractice Case After Eight-Day Trial

After an eight-day trial, we secured a directed verdict on behalf of his client, an orthopedic surgeon, who allegedly breached the standard of care as it relates to his performance of a reverse right shoulder replacement. The court found that the plaintiff failed to establish that the surgery performed by the orthopedic surgeon was unnecessary, as alleged.

Jury returns defense verdict for ER physician, hospital physician group and hospital.

The plaintiff filed a medical malpractice case, claiming the emergency room physician failed to appropriately treat her elevated blood sugar and groin abscess, leading to necrotizing fasciitis. The evidence presented to the jury supported the argument that the emergency room physician appropriately treated the small spontaneously draining groin abscess as presented, there were no signs of systemic infection, and the physician gave appropriate instructions for the plaintiff to return to the hospital if her symptoms changed or worsened. She did not require admission for treatment of her elevated blood sugar as she was a long-time diabetic and the glucose level of 497 was not abnormal for her. The plaintiff stayed home for seven days with her condition worsening, and when she finally returned to the hospital, she had developed the necrotizing fasciitis. The trial lasted four

days, and the jury returned the verdict in 16 minutes.

Partial Summary Judgment for Obstetrician and Health System in Birth Injury Case

We secured partial summary judgment for a Central Pennsylvania obstetrician and health system in a birth injury case that also alleged significant urogynecological injuries to the mother. The plaintiff's firm had previously secured a \$10 million award for a similar maternal claim. In this matter the court agreed that the plaintiff's expert reports were insufficient, and dismissed the corporate negligence claim, the claim for injuries and future economic and non-economic damages of the child, and the mother's claim for future economic and non-economic damages.

Defense Verdict for a Pennsylvania Health System and Urologist.

We received a defense verdict on no causation in a binding arbitration of a matter venued in Montour County, Pennsylvania, involving a bowel leak following urologic cancer surgery. We represented a Pennsylvania health system and its chief of urology who performed major cancer surgery upon the plaintiff (cystoprostatectomy and creation of ileal conduit). The plaintiff was discharged once his bowel function was returning and he was tolerating a normal diet, despite a slightly elevated temperature and white blood cell count (neither of which had the residents informed the attending physician about). Over the next two days, the plaintiff's wife made multiple calls to the on-call residents, who did not feel readmission was warranted. Ultimately, he was readmitted, underwent a second surgery and then suffered more complications, likely due in part to poor blood supply to the bowel from years of heavy smoking. The defense team, through motions, secured the dismissal of corporate negligence and future medical expense claims and, through internet research, found that the plaintiff's expert had previously been precluded from testifying by a court in Ohio for "making up facts." Challenges in the case included that the attending surgeon readily admitted that the patient should have been readmitted sooner. However, he maintained that the outcome would have been no different. The arbitrator found his testimony credible and found no negligence on his part.